

**BILL #** HB 2522

**TITLE:** aggravating factors; trier of fact

**SPONSOR:** Farnsworth

**STATUS:** House Engrossed

**REQUESTED BY:** House

**PREPARED BY:** Kim Hohman

## **FISCAL ANALYSIS**

### **Description**

HB 2522 amends current statute to require juries to determine aggravating factors in non-capital court cases.

### **Estimated Impact**

The JLBC Staff estimates no state fiscal impact as a result of HB 2522.

The Administrative Office of the Courts (AOC), Maricopa County, and the Arizona Prosecuting Attorneys Council estimate no state or local cost from HB 2522. We have not received a cost estimate from the Maricopa County Public Defender Office.

### **Analysis**

In June 2004, the United States Supreme Court ruled in the case of *Blakely v. Washington* that aggravating factors used to increase the term of incarceration above the statutory maximum must be determined by a jury. Since HB 2522 amends current Arizona statute to conform to the U.S. Supreme Court decision, the bill itself does not result in increased costs to the state or to local governments. The changes in court proceedings began immediately after the Supreme Court decision and are reflected in FY 2005 expenditures. The bill is not expected to increase court costs beyond the FY 2005 level.

The AOC, Maricopa County, and the Arizona Prosecuting Attorneys Council believe that the U.S. Supreme Court decision did impact court expenditures at the local level as it increased the length of trials as well as the length of time juries are impaneled. These costs however, are not the result of HB 2522, but rather the U.S. Supreme Court decision.

### **Local Government Impact**

As noted above, HB 2522 amends current statute to conform with the U.S. Supreme Court decision issued on June 24, 2004. The bill itself does not increase costs to local courts. When the Supreme Court decision was implemented, however, court operational costs likely increased due to longer trials and higher jury costs. The bill is not expected to increase these costs above the FY 2005 level.

3/16/05